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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TOBY G. SCAMMELL,

Defendant.

CASE NO.: LACV-11-6597 DSR
(MRW_x)

**FINAL JUDGMENT AS TO
DEFENDANT TOBY G.
SCAMMELL**

1 Plaintiff Securities and Exchange Commission (“SEC”) having filed a
2 Complaint and Defendant Toby G. Scammell (“Scammell”) having entered a
3 general appearance; consented to the Court’s jurisdiction over Scammell and the
4 subject matter of this action; consented to entry of this Final Judgment without
5 admitting or denying the allegations of the Complaint (except as to jurisdiction);
6 waived findings of fact and conclusions of law; and waived any right to appeal from
7 this Final Judgment:

8 **I.**

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Scammell
10 and Scammell’s agents, servants, employees, attorneys, and all persons in active
11 concert or participation with them who receive actual notice of this Final Judgment
12 by personal service or otherwise are permanently restrained and enjoined from
13 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of
14 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated
15 thereunder, 17 C.F.R. § 240.10b-5, by the use of means or instrumentalities of
16 interstate commerce, of the mails, or of the facilities of a national securities
17 exchange, in connection with the purchase or sale of any security:

- 18 (a) To employ any device, scheme, or artifice to defraud;
19 (b) To make any untrue statement of a material fact or to omit to state a
20 material fact necessary in order to make the statements made, in the
21 light of the circumstances under which they were made, not
22 misleading; or
23 (c) To engage in any act, practice, or course of business which operates or
24 would operate as a fraud or deceit upon any person.

25 **II.**

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
27 Scammell shall pay disgorgement of \$192,497, representing profits gained as a
28 result of the conduct alleged in the Complaint, plus prejudgment interest thereon in

1 the amount of \$30,997, and a civil penalty in the amount of \$577,491 pursuant to
2 Section 21A of the Exchange Act, 15 U.S.C. § 78u-1. Scammell's total obligation
3 to the Securities and Exchange Commission is \$800,985. No execution may issue
4 on this Final Judgment, nor may proceedings be taken to enforce it, until fourteen
5 days have passed after its entry. Fed. R. Civ. P. 62.

6 Scammell may transmit payment electronically to the SEC, which will
7 provide detailed ACH transfer/Fedwire instructions upon request. Payment may
8 also be made directly from a bank account via Pay.gov through the SEC website at
9 <http://www.sec.gov/about/offices/ofm.htm>. Scammell may also pay by certified
10 check, bank cashier's check, or United States postal money order payable to the
11 Securities and Exchange Commission, which shall be delivered or mailed to:

12 Enterprise Services Center
13 Accounts Receivable Branch
14 6500 South MacArthur Boulevard
Oklahoma City, OK 73169

15 and shall be accompanied by a letter identifying the case title, civil action number,
16 and name of this Court; Toby G. Scammell as a defendant in this action; and
17 specifying that payment is made pursuant to this Final Judgment.

18 Scammell shall simultaneously transmit photocopies of evidence of payment
19 and case identifying information to the SEC's counsel in this action. By making this
20 payment, Scammell relinquishes all legal and equitable right, title, and interest in
21 such funds and no part of the funds shall be returned to Scammell. The SEC shall
22 send the funds paid pursuant to this Final Judgment to the United States Treasury.
23 Scammell shall pay post-judgment interest on any delinquent amounts pursuant to
24 28 U.S.C. § 1961.

25 **III.**

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
27 Consent of Defendant Toby G. Scammell to Entry of Final Judgment is incorporated
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1 herein with the same force and effect as if fully set forth herein, and that Scammell
2 shall comply with all of the undertakings and agreements set forth therein.

3 **IV.**

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
5 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
6 Final Judgment. Each side shall pay its own costs.

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8 3/17/14



9 DATED: _____

10 _____
11 The Honorable Dale S. Fischer
12 United States District Judge
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